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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,443	04/17/2001	Yoshinobu Shiraiwa	35.C15299	5474

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT PAPER NUMBER

2854

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/835,443

Applicant(s)

SHIRAIWA, YOSHINOBU

Examiner

Dan Colilla

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-11 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-11 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bekker-Madsen.

With respect to claims 1 and 5, Bekker-Madsen discloses a label printing paper (Bekker-Madsen, col. 2, lines 48-52), as shown in Figure 19, including a center portion 201 that has a rectangular form with rounded corners (Bekker-Madsen, col. 7, lines 15-24) and outside portions on the top and bottom of portion 190 as shown in the Figure. The outside portions are connected to the center portion 201 at bridges 203, 205, 216 and 217.

With respect to claims 4 and 8, the rounded corners have an arc form as shown in Figure 19 of Bekker-Madsen.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bekker-Madsen in view of Hirano et al.

With respect to claims 9 and 10, Bekker-Madsen discloses a label printing paper as mentioned above, but it is not known to the examiner what type of feeding device is used in the printer 4. However, Hirano et al. teaches that it is known to feed a label paper through a printer while holding the outside edges of a label media as shown in Figure 3 of Hirano et al. It would have been obvious to combine the teaching of Hirano et al. with the label printing paper disclosed by Bekker-Madsen for the advantage of feeding the label media in both directions in order to maintain the correct tension in the media (see abstract of Hirano et al.).

With respect to claims 11 and 14, Hirano et al. discloses a printing system including a printhead 24 and two rollers 17 and 18 which hold the entire label including the outside portions as shown in Figures 1 and 3 of Hirano et al.

5. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bekker-Madsen.

With respect to claims 15-16, Bekker-Madsen discloses the claimed label printing paper as mentioned above in the prior art rejection of claims 1-2 except for the dimensions of the center portion. However, the ideal size of the center portion could have readily been determined by one of ordinary skill in the art through routine experimentation and does not appear to involve any unobviousness.

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6. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bekker-Madsen in view of Johnson et al.

With respect to claims 2 and 6, Bekker-Madsen discloses the claimed label printing paper except for the perforations. Instead Bekker-Madsen discloses a scored or die-cut line between the center portion and the outside portions. However perforations and scored or die-cut lines are well-known mechanical equivalents as is shown by Johnson et al. in col. 5, lines 1-7. It would have been obvious to use perforations instead of scored or die-cut lines for the advantage of a stronger hold between the center portion and the outer portion.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Casagrande, Buchholz and Zimmer are cited to show other examples of printing sheets with perforated center portions having rounded corners adjacent outer portions.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-2, 4-6, 8-11 and 14-16, have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

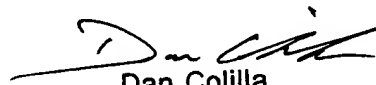
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

February 25, 2003

  
Dan Colilla  
Primary Examiner  
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